



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,517	04/07/2000	Kenneth J. Hintz	GMU-18A/U	9674

7590 03/15/2004
Richard M Lebovitz
Office of Sponsored Programs
George Mason University
4400 University Drive
Fairfax, VA 22030

EXAMINER

JARRETT, RYAN A

ART UNIT	PAPER NUMBER
----------	--------------

2125

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/545,517

Applicant(s)

HINTZ ET AL.

Examiner

Ryan A. Jarrett

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8 and 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsunaga et al. U.S. Patent No. 5,440,675. Matsunaga et al. discloses a method for allocating resources to accomplish a system objective comprising: identifying a plurality of goals for accomplishing a system objective, defining an ordering relation on said plurality of goals, whereby including goals, included goals, and unrelated goals are defined; applying said ordering relation to said plurality of goals to create a lattice, assigning a value to each goal, wherein the value of each including goal is apportioned among its included goals and the value of each included goal is assigned by summing the value apportioned to it by its including goals; and allocating resources to each goal using said assigned values; wherein said assigned values are user-preference apportioned; wherein the assigned values are uniformly apportioned; wherein the assigning a value to each goal comprises, defining the relative contribution of an included goal to the accomplishment of an including goal; defining the ordering relationship as a graphical representation of the lattice in which the goals are arranged

Art Unit: 2125

on several layers, each layer of goals having a different level of abstraction relative to performing the system objective; determining a priority among goals by comparing the relative utility values assigned thereto; allocating business resources among the goals based on the relative utility values assigned to the goals in order to improve the effectiveness of the business resources in accomplishing the system objective (e.g. col. 1 lines 10-16, col. 2 line 13 – col. 3 line 68, col. 5 line 55 – col. 6 line 23, col. 10 lines 37-68, Figs. 12, 14, 17).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsunaga et al. Matsunaga et al. does not specifically disclose that the relative utility values assigned to the goals, or tasks, are used to collect sensor data. However, Matsunaga et al. does disclose that the method can be used in the scheduling of manufacturing processes or computing procedures (e.g. col. 1 lines 10-16). Sensor collection scheduling falls under these categories, thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Matsunaga et al. for use in sensor management since Matsunaga et al. discloses that the system can be used to optimally allocate scheduling of computing procedures and resources.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lobley et al. U.S. Patent No. 5,758,026

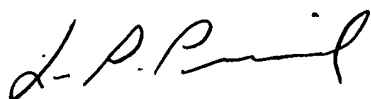
Yufik U.S. Patent No. 5,794,224

Peterson et al. U.S. Patent No. 6,327,551

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (703) 308-4739. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ryan A. Jarrett
Examiner
Art Unit 2125

3/11/04

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100